

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3044
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
ALFONZO TRAYMAYNE LEE,)	
)	
Defendant.)	

At the request of counsel for the defendant, I conferred with the lawyers for both sides today. The lawyers and I agreed to a procedure for resolution of all outstanding matters. Pursuant to our discussions,

IT IS ORDERED that:

- (1) Pursuant to the mandate of the Court of Appeals, the court will resentence the defendant on July 15, 2008, at 12:00 noon. Immediately following sentencing, the court will hear oral argument on all pending motions regarding a new trial including the production of grand jury transcripts. The court sets aside 1.5 hours for the foregoing purposes. The resentencing date of June 17, 2008 is canceled.
- (2) The government agrees that the defendant need not file a motion for application of the reduced base offense level for crack cocaine, and the government agrees that the defendant is eligible for application of that reduced base offense level. The government does not otherwise make any concessions regarding the appropriate sentence to be imposed.
- (3) The defendant shall be present for the resentencing. My chambers shall provide the Marshals with a copy of this memorandum and order.
- (4) The Probation Officer is requested to submit a revised sentencing recommendation to the court and counsel no later than July 8, 2008. The Probation Officer need not prepare a revised presentence investigation report,

and the court need not issue tentative findings. My chambers shall provide the Probation Officer with a copy of this memorandum and order.

- (5) If counsel for either party believes the foregoing does not represent the agreements reached at the telephone conference described above, counsel shall file an objection to this memorandum and order, stating the reasons for disagreement, no later than May 8, 2008.

May 1, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge